

**UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA**

Jody Lee Griffith,

Civil No. 08-864 (DWF/FLN)

Petitioner,

v.

ORDER

State of Minnesota,

Respondent.

Jody Lee Griffith, *Pro Se*, Petitioner.

Melanie S. Ford and Vernon D. Swanum, Assistant St. Louis County Attorneys; and Peter R. Marker and Tibor M. Gallo, Assistant Attorneys General, Minnesota Attorney General's Office, counsel for Respondent State of Minnesota.

Based upon the Findings of Fact, Conclusions of Law, and Recommendation by United States Magistrate Judge Franklin L. Noel dated December 1, 2008, all the files and records, and no objections having been filed to said Report and Recommendation,

IT IS HEREBY ORDERED that the State of Minnesota's motion to dismiss the writ of habeas corpus (Doc. No. 11) is **GRANTED**.

Dated: December 22, 2008

s/Donovan W. Frank
DONOVAN W. FRANK
Judge of United States District Court